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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,058	08/26/2005	Mairi Elizabeth Raggatt	056258-5093	1762

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EXAMINER

KLEMANSKI, HELENE G

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,058

Applicant(s)

RAGGATT ET AL.

Examiner

Helene Klemanski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/05&8/26/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the Search Report dated January 24, 2004 have been considered.

Specification

2. The abstract of the disclosure is objected to because it is more than one paragraph in length. Correction is required. See MPEP § 608.01(b).
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claim 3 is objected to because of the following informalities: in claim 3, the term "C₁₋₄ alkyl" should be replaced with the term "C₁₋₄ alkylene". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

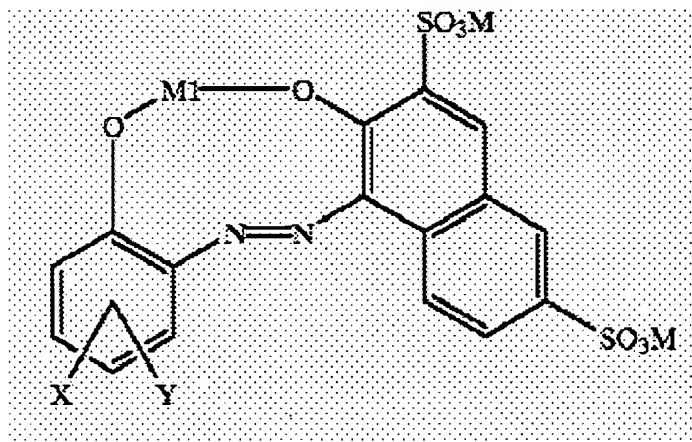
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 02/064679.

WO 02/064679 teach a dye mixture comprising Acid Red 289 and a dye of the formula

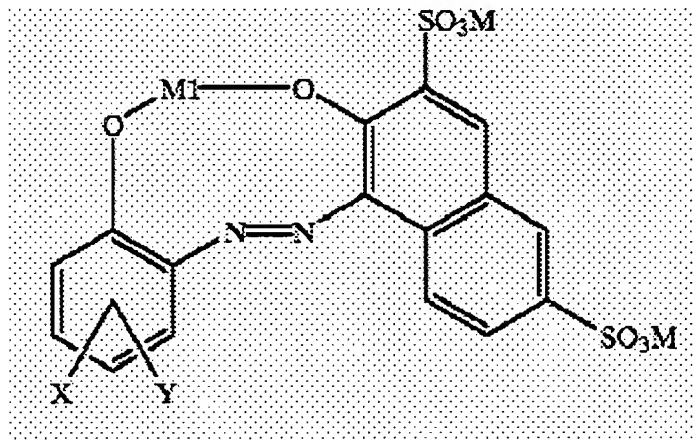


wherein X is SO_2R^1 ; Y is H, alkyl or alkoxy; R^1 is $\text{CH}_2\text{CH}_2\text{NR}_3\text{R}_4$; R_3 and R_4 are independently H, C_{1-6} alkyl which may be substituted with OH, NH_2 or SO_3M , C_{6-10} aryl or halogen substituted C_{6-10} aryl; M is H and M1 is Cu. The dye mixture is useful as a colorant in an ink jet ink composition comprising 0.1-50% by weight of the dye mixture, an organic solvent and water. Menzel et al. further teach an ink jet recording method comprising loading the above ink into an ink jet printing apparatus and ejecting it onto a substrate such as paper. See the abstract, pages 3-5, examples 4, 7 and 9 and claims 1, 3, 4 and 11-14. The dye mixture and ink composition comprising the dye mixture as taught by WO 02/064679 appears to anticipate the present claims. Applicants should note that the Menzel et al. reference below appears to be the English version of the above WO reference.

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7. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Menzel et al. (US 2002/0011179).

Menzel et al. teach a dye mixture comprising Acid Red 289 and a dye of the formula



wherein X is SO_2R^1 ; Y is H, alkyl or alkoxy; R^1 is $\text{CH}_2\text{CH}_2\text{NR}_3\text{R}_4$; R_3 and R_4 are independently H, C_{1-6} alkyl which may be substituted with OH, NH_2 or SO_3M , C_{6-10} aryl or halogen substituted C_{6-10} aryl; M is H and M1 is Cu. The dye mixture is useful as a colorant in an ink jet ink composition comprising 0.1-50% by weight of the dye mixture, an organic solvent and water. Menzel et al. further teach an ink jet recording method comprising loading the above ink into an ink jet printing apparatus and ejecting it onto a substrate such as paper. See paras. 0001-0002, paras. 0009-0020, paras. 0026-0027, paras. 0030-0033, para. 0037, example 5 and claims 1, 8-11 and 14-17. The dye mixture and ink composition comprising the dye mixture as taught by Menzel et al. appears to anticipate the present claims.

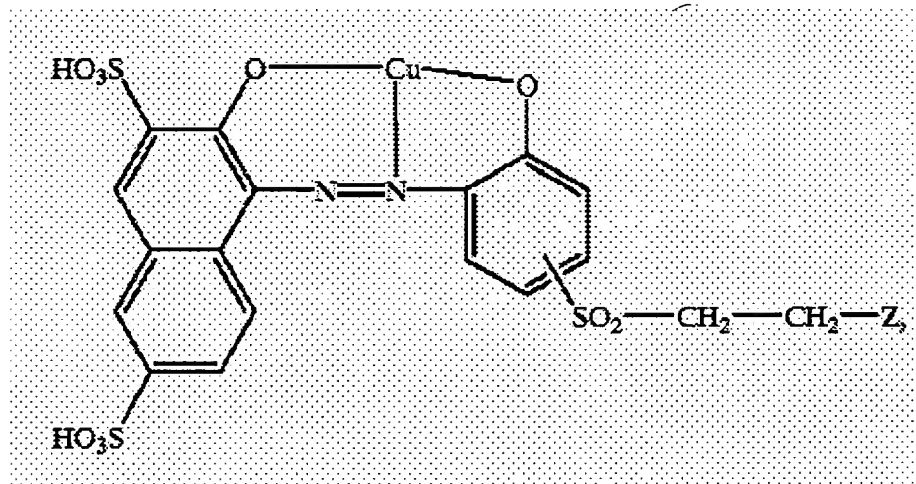
Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmann et al. (US 6,265,554).

Lehmann et al. teach a dye of the formula



wherein Z is N-mono- C_{1-16} alkylamino or N,N-di- C_{1-16} alkylamino unsubstituted or substituted in the alkyl moiety by phenyl, amino, C_{2-4} alkanoylamino, OH, sulfo, sulfato or sulfamoyl and an ink composition comprising the dye and a liquid medium. Lehmann et al. further teach an ink jet recording method comprising loading the above ink into an ink jet printing apparatus and ejecting it onto a substrate such as paper, textile materials, plastics or aluminum foils. See col. 1, lines 4-9 and line 37 – col. 2, line 31, col. 2, lines 48-52, col. 4, lines 58-60, col. 5, lines 49-55, col. 6, line 63 – col. 7, line 36

and claims 1, 3-5 and 7-11. Lehmann et al. fail to specifically exemplify that the Z group is the GNR^1R^2 group as claimed by applicants.

Therefore, it would have been obvious to one having ordinary skill in the art to use the specific Z group as claimed by applicants as Lehmann et al. also discloses the use of these Z groups but fails to show an example incorporating them.

Conclusion

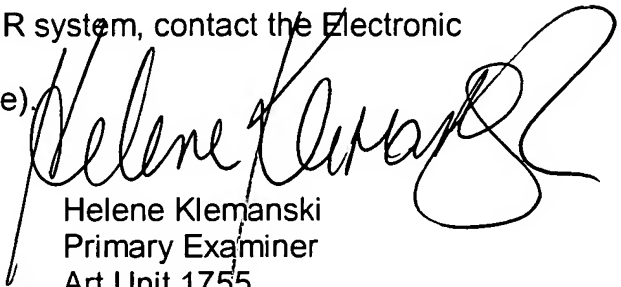
The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK

March 19, 2006